

SENATOR SCHIMEK: So even though...okay, so you're saying...

SENATOR KRISTENSEN: Plus I think that...

SENATOR SCHIMEK: ...no, we couldn't...we couldn't...

SENATOR KRISTENSEN: Well, I think there's...

SENATOR SCHIMEK: ...do something earlier that Congress has already decided at the federal level.

SENATOR KRISTENSEN: I think there's a serious question about your being able to do that, plus you've got those other two acts that were referred to earlier that they're already in the area. I think Congress, and I think that's what the Attorney General's Opinion goes to, is that Congress has already dealt with that area. If Congress was totally silent, then I think we're free to operate in those areas, except, and then there's the exception for the local hazard areas, and then that's another provision in the bill that we haven't talked about, but there's an exception in that area that if there is specific local hazards and we haven't discussed that, that exception, but that would be the area that you would look at.

SENATOR SCHIMEK: Okay, thank you.

PRESIDENT MOUL: Thank you, Senator Schimek. Senator Morrissey, followed by Senators Wickersham, Lamb, Kristensen, Chambers and Byars. Senator Morrissey.

SENATOR MORRISSEY: Thank you. Madam President and members, I rise to support the effort to pull the bill from committee. And my reasoning has nothing to do with a procedure but it does have a lot to do with the federal government. First, I would like to state and make it obvious again that for the rules to read that they should have this device, a safety device, but that the device doesn't have to be working is ludicrous. In most cases, in most cases, federal railway administration rules read that if you don't necessarily need a device but you do have it, it better be working. And that, I mean, I don't like that rule either. They're saying they should have this safety device, but if you don't, that's okay, but if you have it, it better be working. Well, in this case, they're turning it around and saying you better have it but it doesn't need to be working. I think we need to...I think we need to push the federal